

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

EXPRESS MOBILE, INC.,)	
)	
Plaintiff,)	Civil Action No. 6:20-cv-00801
)	(ADA)
v.)	
)	
EXPEDIA GROUP, INC., EXPEDIA,)	JURY TRIAL DEMANDED
INC., and HOMEAWAY.COM, INC.,)	
)	
Defendants.)	

CASE READINESS STATUS REPORT

Plaintiff Express Mobile, Inc. (“Express Mobile” or “Plaintiff”) and defendants Expedia Group, Inc., Expedia, Inc., and Homeaway.com, Inc. (“Expedia” or “Defendants”) hereby provide the following status report in advance of the initial Case Management Conference (CMC).

FILING AND EXTENSIONS

Plaintiff’s Complaint was filed on September 1, 2020, and Plaintiff’s Amended Complaint was filed on September 21, 2020. There has been one extension for a total of 32 days.

RESPONSE TO THE COMPLAINT

Expedia Group, Inc. filed a Motion to Dismiss on November 15, 2020. Expedia, Inc. and Homeaway.com, Inc. filed an Answer to the Amended Complaint on November 15, 2020 without any counterclaims.

PENDING MOTIONS

Expedia Group, Inc.’s Motion to Dismiss is currently pending.

RELATED CASES IN THIS JUDICIAL DISTRICT

The following cases in this Judicial District are related, in that they all involve the Plaintiff and the same and/or similar patents:

- *Express Mobile, Inc. v. eBay Inc.*, Case No. 6:20-cv-00802-ADA (W.D. Tex.) filed September 1, 2020, in which eBay Inc. has responded to the initial pleading – Answer filed 10/23/2020, Dkt. 19.
- *Express Mobile, Inc. v. Facebook, Inc.*, Case No. 6:20-00803-ADA (W.D. Tex.) filed September 1, 2020, in which Facebook, Inc. has responded to the initial pleading – Answer filed 10/26/2020, Dkt. 17.
- *Express Mobile, Inc. v. Google LLC*, Case No. 6:20-00804-ADA (W.D. Tex.) filed September 1, 2020, in which Google LLC filed a Motion to Dismiss Plaintiff Express Mobile, Inc.’s Complaint on 11/06/2020, and the parties filed a Joint Motion for Extension of Time on 11/16/2020.
- *Express Mobile, Inc. v. Atlassian Corp. Plc et. al.*, Case No. 6:20-cv-00805-ADA (W.D. Tex.) filed September 1, 2020, in which Atlassian Corp. Plc and Atlassian, Inc. filed an unopposed motion for extension of time to respond on 09/21/2020, which was granted on 9/23/2020. Defendants’ answer is now due 12/22/2020.
- *Express Mobile, Inc. v. Dropbox, Inc.*, Case No. 6:20-00806-ADA (W.D. Tex.) filed September 1, 2020, in which Dropbox, Inc. has responded to the initial pleading – Answer filed 11/09/2020, Dkt. 22.

IPR, CBM, AND OTHER PGR FILINGS

- *BigCommerce, Inc. v. Express Mobile, Inc.*, IPR2018-00750, requesting *inter partes* review of claims 1-6 and 8 of U.S. Pat. No. 6,546,397, was filed on 03/06/2018. A Decision Denying Institution of *Inter Partes* Review was issued on 08/30/2018.

- Unified Patents, LLC, filed a request for *ex parte* reexamination of U.S. Patent No. 7,594,168 on 09/25/2020, which the USPTO granted on 10/28/2020.

NUMBER OF ASSERTED PATENTS AND CLAIMS

Plaintiff has asserted five (5) patents and has identified five (5) asserted claims (one from each asserted patent) in its Complaint. Plaintiff plans to identify additional asserted claims in its Preliminary Infringement Contentions, to be served in compliance with the Court's Order Governing Proceeding.

APPOINTMENT OF TECHNICAL ADVISER

At this time, the parties have not decided whether a technical adviser is necessary. The parties look forward to discussing the issue with the Court at the CMC.

MEET AND CONFER STATUS

Plaintiff and Defendants conducted a meet & confer conference on November 23, 2020 and have identified one pre-*Markman* issue for the Court's consideration. Expedia believes that the cases identified in the section entitled "Related Cases in This Judicial District" should be consolidated for pretrial activities or, at minimum, proceed with a common CMC, a common schedule with a common *Markman* hearing. Express Mobile is willing to consider potential consolidation of the *Markman* phase and will be prepared to discuss the issue of consolidation at the CMC.

Dated: November 24, 2020

Respectfully submitted,

/s/ Jeffrey D. Mills

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Attorneys for Plaintiff Express Mobile, Inc.

CERTIFICATE OF SERVICE

I certify that on November 24, 2020, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record who have consented to electronic notification. I further certify that I caused a copy of this document to be mailed by first-class mail to all non-CM/ECF participants.

/s/ Jeffrey D. Mills
Jeffrey D. Mills